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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,493	10/01/2003	Hideo Ikeno	00862.023254.	4231
5514 7590 06/17/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
HUNTSINGER, PETER K				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
06/17/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/674,493

**Applicant(s)**

IKENO, HIDEO

**Examiner**

Peter K. Huntsinger

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19, 23, 26, 28, 30, 31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19, 23, 26, 28, 30, 31 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 19, 23, 26, 28, 30, 31 and 33 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 31 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 31 and 33 are directed to data structures embodied on a computer readable medium. The broadest reasonable interpretation of a claim drawn to a computer readable medium includes forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media. *See Subject Matter Eligibility of Computer Readable Medium*, Jan. 26, 2010. The Applicant's specification does not limit computer-readable medium to non-transitory embodiments, and therefore claims 31 and 33 are non-statutory. The Examiner suggests amending the claims to include "non-transitory computer readable medium" or similar language.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19, 23, 26, 28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen Patent 6,825,941, and further in view of Scheidig Patent 6,603,565 and Streepy, Jr. Patent 7,120,646

Referring to **claims 19, 26, 28 and 31**, Nguyen '941 discloses a data processing apparatus, which communicates with an image processing apparatus that processes image data by using resources retained in memory, comprising:

retention means for retaining a resource which is utilized in image processing (col. 8, lines 4-25, modules that modify the output data stream sent to the printer); and

transmitting means for transmitting the resource to the image processing apparatus in response to a transmission instruction input via the graphical user interface, wherein the resource is retained by said retention means (col. 9, lines 30-48, the OEM presents an UI to display the features and send appropriate data to the printer).

Nguyen '941 does not disclose expressly retaining information indicative of each printer language which can use the resource.

Scheidig '565 discloses retaining information indicative of each printer language which can use the resource (Fig. 2a, col. 5, lines 36-42, language-dependent parameters 11).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to retain information indicative of each printer language which can use the resource. The motivation for doing so would have been to allow the printer to switch relatively simply between setup settings of various types and to thereby retain the compatibility with various printer languages.

Nguyen '941 does not disclose expressly having multiple display names for the resource.

Streepy, Jr. '646 discloses retaining a resource containing display names (col. 8, lines 5-28, each meta-model component can have multiple display names associated with it), name-use information indicative of correspondence between each display name and each language which can use the resource (col. 12, lines 49-67, terms 124 are organized within language locales), and data of the resource (col. 8, lines 5-28, each meta-model component can have multiple display names associated with it);

input means for inputting, via a graphical user interface, multiple display names of the resource retained by said retaining means (col. 8, lines 5-28, each meta-model component can have multiple display names associated with it);

first selecting setting means for selecting, via the graphical user interface, a display name corresponding to a language which can use the resource from among the multiple display names input by said input means (col. 22, lines 10-15, block 932 of Fig. 9 allows the user to add a term) (col. 12, lines 49-67, terms 124 are organized within language locales);

setting means for setting the display names inputted by said input means and the name-use information indicative of correspondence between the display name and the language selected by said selecting means to the resource retained by said retention means (col. 22, lines 10-15, block 934 of Fig. 9 allows the user to modify a term); and

wherein the resource is retained by said retention means and contains the display names (col. 8, lines 5-28, each meta-model component can have multiple display names associated with it) and the name-use information (col. 12, lines 49-67, terms 124 are organized within language locales).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to utilize multiple display names for one resource. The motivation for doing so would have been to provide access to provide a system open to extension and enhancement by the end user. Therefore, it would have been obvious to combine Scheidig '565 and Streepy, Jr. '646 with Nguyen '941 to obtain the invention as specified in claims 19, 26, 28 and 31.

Referring to **claims 23, 30, and 33**, Nguyen '941 discloses wherein the resources is a font resource used in printing, a form resource for forming an image by being superimposed on print data at the time of printing, a color-profile resource that expresses color space of an input/output device, a look-up-table resource, which is a conversion table for color correction in color processing, or a dither-pattern resource, which is pattern data for deciding expression of color in color (col. 8, lines 64-65, font and raster modules).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625